

REMARKS

We are in receipt of the Office Action dated December 3, 2003, and the following remarks are made in light thereof.

Claims 9-12, 17-20 and 33-44 are pending in the application, claims 1-8, 13-16, 21-32 and 45-58 having been withdrawn and canceled without prejudice pursuant to the election filed on August 18, 2003.

Pursuant to the Office Action, claims 9-12, 17-20 and 33-34 are provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over the claims of co-pending application 10/158,658. Claims 12, 17-20, 36, 40, and 41-44 are rejected for indefiniteness. Claims 9, 1, 17, 19, 33, 35, 37, 39, 41, and 43 are rejected as being anticipated by Tang et al. EP 0704912. Claims 10, 18, 32 and 34 are rejected as being obvious over Tang et al.

With respect to the rejections under 35 USC 112, claims 17 and 41 have been amended to substitute "insulative" for "insulating". In addition, applicant notes that claims 17 and 14 do not read "the cathode insulative", but read "make a portion... insulative". Thus, applicant believes that there is sufficient antecedent basis for the cathode recited in these claims. Claims 12, 20, 36, 40 and 44 have been canceled, thus rendering the rejection under 35 USC 112 moot. However, applicant notes

that the light emitting device of the present invention is included in an electric device selected from the group recited in these canceled claims.

With respect to the rejection of claims 9, 11, 17, 19, 33, 35, 37, 39, 41 and 43 as being anticipated by Tang et al., each of the independent claims 9, 17, 33, 37 and 41 has been amended to include the features that (1) a first voltage and a second voltage are alternatively applied between the anode and the cathode, and (2) a difference between the first voltage and the second voltage gradually increases with time. See Fig. 1B. As Tang et al. fails to teach these features, applicant submits that the rejection for anticipation is overcome. Each of claims 10, 18, 34 and 42, which were rejected for obviousness over Tang et al., depend from an allowable base claim and are thus believed to be allowable for at least the same reasons.

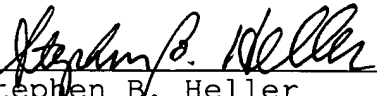
With respect to the double patenting rejection as this is a provisional rejection, applicant respectfully requests that it be held in abeyance until an indication that the present application contains allowable subject matter is received.

Finally, attached is a copy of one of pages of Form 1449 submitted by the applicant in connection with the present application. The examiner has not initialed cited numbers 15-18. Applicant respectfully requests that the examiner indicate

consideration of these references in the response to the present amendment.

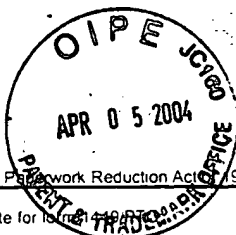
Based upon the foregoing, applicant respectfully submits that the application is in condition for allowance, and an early Office Action in this regard is earnestly solicited.

Respectfully submitted,



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Application Number	09/973,133
Filing Date	October 9, 2001
First Named Inventor	ShunpeYAMAZAKI et al
Art Unit	2811 2823
Examiner Name	
Attorney Docket Number	SEL 281

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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages Or Relevant Figures Appear	To
		Country Code ¹ Number ¹ Kind Code ² (if known)				
BLL	14	JP 09-148066 with English Abstract	6/6/1997	KAWAMI et al		
	15	JP 10-041068 with English Abstract	2/13/1988	GOTO		
	16	JP 10-214060 with English Abstract	8/11/1998	YAMADA et al.		
	17	JP 10-232649 with English Abstract	9/2/1998	YAMADA et al.		
	18	JP 10-312173 with full Eng. translation	11/24/1998	USHIKUSA		

Examiner Signature	<i>Brown</i> <i>Kesede</i>
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Date Considered	11/28/2003
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* F. KAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609 Draw line through citation if not in conformance and not considered Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional) See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901 04 Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3) For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible Applicant is to place a check mark here if English language Translation is attached

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